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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,316	09/22/2000	Josef Zeevi	16356.549 (DC-02461)	1323
27683                      7590                      09/23/2004 HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			EXAMINER NAHAR, QAMRUN	
			ART UNIT	PAPER NUMBER
			2124	
DATE MAILED: 09/23/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/668,316

Applicant(s)

ZEEVI ET AL.

Examiner

Qamrun Nahar

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-10 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 5-10 and 13-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in response to the amendment filed on 6/8/04.
2. The rejection under 35 U.S.C. 102(b) as being anticipated by Perugini (U.S. 5,896,494) to claims 3, 4, 11, 12 and 17-22 is moot in view of applicant's amendment.
3. The rejection under 35 U.S.C. 102(b) as being anticipated by Perugini (U.S. 5,896,494) to claims 1-2, 5-10 and 13-16 is moot in view of the new ground(s) of rejection.
4. Claims 1, 2, 5, 9, 10 and 13-16 have been amended.
5. Claims 3, 4, 11, 12 and 17-22 have been cancelled.
6. Claims 1-2, 5-10 and 13-16 are pending.
7. The objection to claim 10 for informalities is pending.
8. Claims 1-2, 5-6, 9-10 and 13-14 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over Rezvani (U.S. 6,686,838) in view of Perugini (U.S. 5,896,494).
9. Claims 7-8 and 15-16 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over Rezvani (U.S. 6,686,838) in view of Perugini (U.S. 5,896,494), and further in view of Sakai (U.S. 6,732,262).

### ***Claim Objections***

10. Claim 10 is objected to because of the following informalities: "the program is executable to:" on lines 1-2 of the claim should be deleted. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-2, 5-6, 9-10 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rezvani (U.S. 6,686,838) in view of Perugini (U.S. 5,896,494).

**Per Claim 1 (Amended):**

Rezvani teaches a method performed by a computer system comprising: providing a module for dynamically reinstalling an associated module interface at anytime without rebooting the computer system, in response to a device change associated with the module; in response, unloading the module associated with the changed device and causing its module interface to be reinstalled without rebooting the computer system (column 2, lines 66-67 to column 3, lines 1-8); and using a registration module to register uses of the module by a plurality of programs so that no other program attempts can access information associated with the module after it unloads (column 21, lines 5-17). Rezvani does not explicitly teach that the module is a test module. Perugini teaches that the module is a test module (column 1, line 67 to column 2, lines 1-3; column 11, lines 10-13 and column 15, lines 28-32; Fig. 5B, steps 516, 518 and 520).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by Rezvani to include that the module is a test module using the teaching of Perugini. The modification would be obvious because one of

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ordinary skill in the art would be motivated to efficiently test devices in a computer system (Perugini, column 1, lines 24-35).

**Per Claim 2 (Amended):**

The rejection of claim 1 is incorporated, and Perugini further teaches calling a function identified by a test module interface to cause a first test configuration of the test module to be created; detecting a test routine associated with the test module using the first test configuration; and causing the test routine to be executed (column 2, lines 28-40; column 13, lines 3-24; column 14, lines 13-15; and column 15, lines 32-34).

**Per Claim 5 (Amended):**

The rejection of claim 2 is incorporated, and Perugini further teaches in response to detecting the change, calling the function to cause a second test configuration of the test module to be created (column 13, lines 29-67 to column 14, lines 1-31; and column 15, lines 25-34).

**Per Claim 6:**

The rejection of claim 1 is incorporated, and Rezvani further teaches registering a use of the module by a program (column 21, lines 5-17); and Perugini further teaches the test module (column 1, line 67 to column 2, lines 1-3).

**Per Claims 9-10 & 13-14 (Amended):**

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These are system versions of the claimed method discussed above (claims 1-2 & 5-6, respectively), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also obvious.

13. Claims 7-8 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rezvani (U.S. 6,686,838) in view of Perugini (U.S. 5,896,494), and further in view of Sakai (U.S. 6,732,262).

**Per Claim 7:**

The rejection of claim 6 is incorporated, and Rezvani further teaches unloading the module (column 2, lines 66-67 to column 3, lines 1-8). Perugini further teaches the test module (column 1, line 67 to column 2, lines 1-3). The combination of Rezvani and Perugini does not explicitly teach informing the program of the unloading prior to unloading the test module. Sakai teaches informing the program of the unloading prior to unloading the test module (column 5, lines 65-67 to column 6, lines 1-5; and see Fig. 9).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by the combination of Rezvani and Perugini to include informing the program of the unloading prior to unloading the test module using the teaching of Sakai. The modification would be obvious because one of ordinary skill in the art would be motivated to complete an ongoing operation (Sakai, column 1, lines 28-45).

**Per Claim 8:**

The rejection of claim 7 is incorporated, and Sakai further teaches conveying a defer signal from the program to the test module; and in response to the defer signal, canceling the unloading of the test module (column 5, lines 65-67 to column 6, lines 1-5; and see Fig. 9).

**Per Claims 15-16 (Amended):**

These are system versions of the claimed method discussed above (claims 7-8, respectively), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also obvious.

***Response to Arguments***

14. Applicant's arguments with respect to claims 1-2, 5-10 and 13-16 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (703) 305-7699 *if calling before October 28, 2004*, otherwise *if calling on or after October 28, 2004*, then the telephone number is (571)272-3730. The examiner can normally be reached on Mondays through Thursdays from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki, can be reached on (703) 305-9662. The fax phone number for the organization where this application or processing is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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QN

September 11, 2004

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

**ANIL KHATRI**  
**PRIMARY EXAMINER**